

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **CRIMINAL NO. 08-30003-WDS**
)
TYRONE JACKSON,)
)
Defendant.)

MEMORANDUM & ORDER

STIEHL, District Judge:

Before the Court is defendant's pro se motion to dismiss the indictment for alleged violations of the grand jury proceedings. (Doc. 153). In this motion, the defendant speculates that the government may have used photos during the presentment of the case to the grand jury, that they were intended to inflame the jury, and therefore, the case should be dismissed.

Initially, the Court notes that there is nothing in the record to confirm that these photos were used by the government in any manner at all, much less in an improper manner before the grand jury. Furthermore, this Court's review of grand jury proceedings is quite limited. There is no evidence that these documents amounted to, for example, false testimony presented to the grand jury. *United States v. Useni*, 516 F.3d 634, 656 (7th Cir. 2008). (To establish false testimony, "the defendant must show prejudice amounting to either 'proof that the grand jury's decision to indict was substantially influenced, or that there is "grave doubt" that the decision to indict was substantially influenced, by testimony which was inappropriately before it.'" *Id.* quoting *United States v. Feurtado*, 191 F.3d 420, 424 (4th Cir.1999) (citing *Bank of Nova Scotia v. United States*, 487 U.S. 250, 256 (1988)). There is nothing which would justify dismissing the defendant's conviction in this case and the motion to dismiss (Doc. 153) is **DENIED** on all

grounds raised.

IT IS SO ORDERED.

DATED: December 17, 2008.

**s/ WILLIAM D. STIEHL
DISTRICT JUDGE**